

Deval L. Patrick  
Governor

Timothy P. Murray  
Lieutenant Governor

Mary Elizabeth Heffernan  
Secretary

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

*Architectural Access Board*  
*One Ashburton Place, Room 1310*  
*Boston, Massachusetts 02108-1618*

*Phone 617-727-0660*

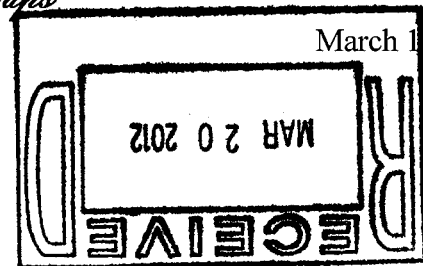
*Fax 617-727-0665*

*www.mass.gov/dps*

Thomas G. Gatzunis, P.E.  
Commissioner

Thomas P. Hopkins  
Director

Glenn Berger  
Exchange Hall  
2 School Street  
Acton, MA 01720



March 16, 2012

**Re: Final Decision of the Board; Exchange Hall, 2 School Street, Acton; Docket Number V11-110**

Dear Mr. Berger,

The Architectural Access Board ("Board") has received your February 29, 2012 letter regarding an extension request for the submittal of the required information per the November 14, 2011 decision of the Board. Said decision noted that the Board had voted to *"REQUIRE"* that proposed plans and dates for compliance, for all of the denied variances be submitted to the Board no later than *March 1, 2012*, to be reviewed by the Board at their regularly scheduled March 12, 2012 meeting." Your February 9, 2012 letter requested an extension to May 1, 2012 to provide the required documents that were previously ordered to be submitted by March 1, 2012. Upon reviewing this submittal during an administrative discussion at their regularly scheduled March 12, 2012 meeting, the Board voted as follows:

- *GRANT* an extension to *May 1, 2012* for the submittal of proposed plans and dates for compliance, for all of the denied variances and continued matters noted as follows:

- Door #001: 26.4, 26.5, 26.11, 29.2;
- Door #107, 29.2;
- Door #201 and the second floor toilet room: 26.1, 29.2, 30.1, 30.5, 30.7, 30.8, 30.9;
- Door #202: 26.1;
- Second floor kitchen: 32.1, 32.7.2, 32.7.4;
- Door #204: 26.1;
- Door #207: 29.2;

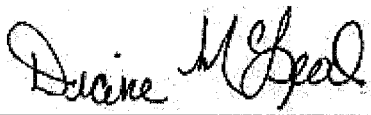
- Third floor stage: 14.6;
- Door #305 and third floor toilet room on the west side: 26.1, 30.1, 30.6, 30.7, 30.8, 30.9;
- Door #307 and third floor toilet room in center: 26.1, 30.1, 30.5, 30.7, 30.8, 30.9;
- East Stair handrails: 27.4;
- West Stair nosings: 27.3;
- East Stair nosings: 27.3;
- and the lack of vertical access to second and third floors: 28.1).


The Board also noted that, per the November 14, 2011 decision of the Board, the Petitioner is still required to verify that all of the aspects of the building that were proposed to be completed in full compliance with 521 CMR by the Petitioner in the August 29, 2011 submittal (Door #207: 26.10; Door #208, 26.10; West Stair handrails: 27.4.3; and accessible parking spaces: 23.1), are completed no later than *May 1, 2012*, with both photographic and written verification to be received by the Board on or before said date.

#### **ARCHITECTURAL ACCESS BOARD**

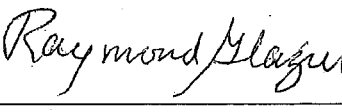
By:

\_\_\_\_\_  
Donald Lang, Chairman (not present)


  
\_\_\_\_\_  
Diane McLeod, Acting Chair


  
\_\_\_\_\_  
Andrew Bedar, Member

\_\_\_\_\_  
Myra Berloff, Director of Massachusetts  
Office on Disability (not present)

  
\_\_\_\_\_  
Raymond Glazier, Executive Office of Elder  
Affairs Designee

\_\_\_\_\_  
Gerald LeBlanc, Member  
(not present)

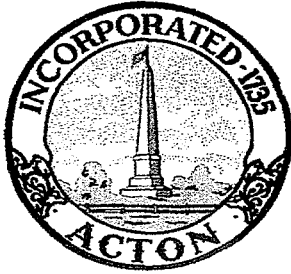
  
\_\_\_\_\_  
Carol Steinberg, Member

  
\_\_\_\_\_  
D. Mark Trivett, Member

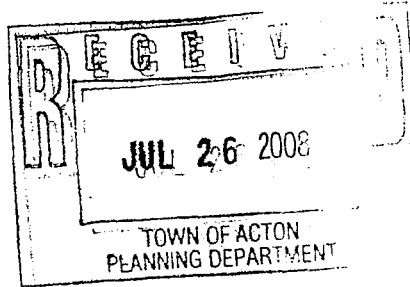
\_\_\_\_\_  
Walter White, Executive Office of Public  
Safety Designee (not present)

A complete administrative record is on file at the office of the Architectural Access Board.

cc: Local Building Inspector  
Local Disability Commission  
Independent Living Center  
Acton Town Manager  
State Representative Cory Atkins  
State Representative Jennifer E. Benson  
Senator James B. Eldridge



**Community Preservation  
Committee**



**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (978) 264-9636  
Fax (978) 264-9630  
[cpc@acton-ma.gov](mailto:cpc@acton-ma.gov)  
[www.acton-ma.gov](http://www.acton-ma.gov)

June 2, 2008

Mr. Glenn Berger  
Bluebird Realty Trust  
2 School Street  
Acton, MA 01720

**Re: 2008 CPA Project Funding – Exchange Hall Restoration**

Dear Mr. Berger:

Congratulations to being a recipient of 2008 Community Preservation funds (CPA funds) for the restoration of Exchange Hall. Your effort and cooperation during this year's project selection process helped secure the overwhelming support at the Annual Town Meeting for all but one of the Community Preservation Committee's (CPC) spending recommendations. Voters agreed that each funded project is worthwhile and now they expect that each will be well executed. Before you move forward with the project, please pay close attention to the following important instructions and funding conditions:

- The Town contact person assigned to this project is Town Manager Steven Ledoux. All necessary documentation and communication with the Town regarding this project shall be directed to him.
- Funding is limited to exterior restoration work of the Exchange Hall building. Such work must specifically include: slate roof restoration/replacement including the cupola roof; window restoration/replacement; rebuilding of the lower porch and deck; and scaffolding of the entire building.

- CPA funds shall be disbursed following completion of the entire restoration project to your satisfaction and consistent with the project scope presented in your project funding application to the Community Preservation Committee, including all exterior and interior work items listed in the funding application and including all items funded by other sources, and after:
  - a) receipt by the Town contact person of an invoice by you for reimbursement for completed services, including all back-up documentation and invoices for the entire project by the contractor(s) who performed the work;
  - b) the Town contact person has verified that the conditions of this award letter have been met;
  - c) Execution, conveyance to the Town, and recording of a historic preservation restriction on the Exchange Hall building that is in form and substance acceptable to the Community Preservation Committee and Town Counsel.
    - The historic preservation restriction shall be perpetual to the extent permitted by law, subject to review after casualty damage or destruction.
    - The historic preservation restriction shall include, or a separate recordable instrument shall covenant, that upon completion of all exterior and interior restoration work, the Town shall have the right without any obligations and conditions to use Exchange Hall function space for one Monday per month for 15 years or such other equivalent period as the Town and the owner may agree from time to time. The Community Preservation Committee requires the owner to negotiate in good faith with the Town to reach a mutually acceptable agreement for the use of the function hall with regard to the specific times of use, and the rules and requirements for such use. This agreement shall not be unduly burdensome on the owner or the Town, and shall meet the original intent of providing the Town with a practical usable space for the time specified.
  - d) Certification to the Town contact person by the Historic District Commission or their agent that the completed work meets the terms of the Certificate of Appropriateness.
  - e) Receipt by the Acton Historic District Commission and the Town contact person of all letters and certificates from the National Park Service that qualify the work as a historic rehabilitation project for the 20% federal preservation tax credit. The required National Park Service letters shall certify that:
    - Exchange Hall meets the criteria for listing on the National Register (tax credit application Part I, Evaluation of Significance);
    - The Exchange Hall rehabilitation plans submitted before the start of any restoration work meet the Secretary of the Interior's Standards for Rehabilitation of Historic Properties (tax credit application Part II, Description of Rehabilitation); and

- All finished work on Exchange Hall meets the Secretary of the Interior's Standards for the Treatment of Historic Properties (tax credit application Part III, Certification of Completed Work).
- All work shall comply with the Standards for Rehabilitation set forth in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 C.F.R. Part 68.
- Payments will be made for the amount invoiced by the contractor(s) for CPA-approved restoration work up to \$231,948.
- Funds cannot be released until the Board of Selectmen has signed the Accounts Payable Warrant at a public meeting.
- Any significant changes to the project from what you represented in your application and during the project selection process shall require CPC approval. Please contact Roland Bartl, Town Planner (978-264-9636; [rbartl@acton-ma.gov](mailto:rbartl@acton-ma.gov)) to help determine what change is significant, and if necessary to schedule an appointment with the CPC.
- Upon full completion of the project and disbursement of funds, you must certify completion in writing to the Town Manager's office. Once it is received, your project account will be closed and no further funds shall be available for this project.
- Any CPA funds awarded to this project and not used upon project completion will be returned to the general CPA fund of the Town and made available for future appropriation by Town Meeting for other projects.
- Good publicity for your project is very important. It is exciting for Acton citizens to know where their CPA funds are being spent. It is also essential that the CPA remains strong at the State level. Therefore, the CPC asks that you make every effort to credit the source of this funding at any meetings and in any written materials related to this project. If possible, submit a letter to the Beacon detailing how the funds have benefited your project. The CPC has signs that give funding credit to the Acton CPA program and that should be posted at the project site.

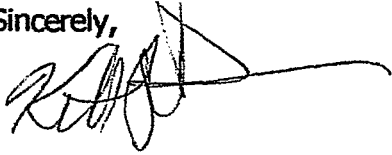
The Community Preservation Committee requires a notice when work on the project has commenced, periodic updates concerning the progress of your project, and especially upon completion. Specifically, the CPC requires that you submit copies of:

- All submittals to and correspondence to and from the National Park Service relative to the federal preservation tax credit program for historic preservation projects.
- All information and updaters related to financing commitments by lenders.
- Updates regarding required permits, plans, etc. as required for securing parking for the building.
- Reports on progress in the effort for securing viable tenants for the building.

For updates or general questions please contact the CPC via email - [cpc@acton-ma.gov](mailto:cpc@acton-ma.gov), or by calling the Planning Department at (978) 264-9636.

Finally, please sign and return to Roland Bartl the attached acceptance form. Thank you for working in partnership with the CPC to make a significant and lasting difference in our Town.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Sghia-Hughes', with a long horizontal line extending to the right.

Ken Sghia-Hughes  
Chair  
Community Preservation Committee

cc: Board of Selectmen  
Steven Ledoux, Town Manager  
Roland Bartl, Planning Director  
Karen Kucala, Assistant Finance Director  
Acton Historic District Commission

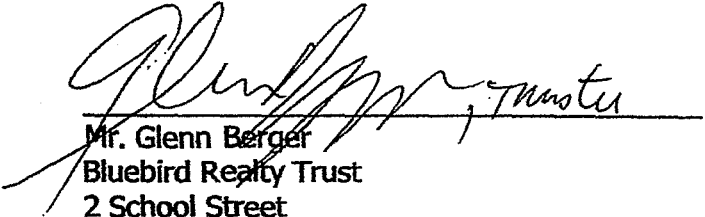
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**Re: CPA Project Funding – Exchange Hall Renovations; up to \$231,948.**

I, Glenn Berger on behalf of Bluebird Realty Trust, accept the foregoing grant of Community Preservation funds and agree on behalf of myself, Bluebird Realty Trust, and any of its successors and assigns, to be bound by the conditions stated in this award letter.

Dated: June 11, 2008, 2008

*June 11, 2008*

  
Mr. Glenn Berger  
Bluebird Realty Trust  
2 School Street  
Acton, MA 01720